

## Message Text

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ACTION DLOS-09

INFO OCT-01 ARA-06 ISO-00 ACDA-07 AGRE-00 AID-05  
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00  
DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01  
INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05  
NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02  
SS-15 USIA-06 FEA-01 /117 W  
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P R 221830Z APR 77

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC PRIORITY 9288

INFO AMEMBASSY MEXICO

NATIONAL MARINE FISHERIES SERVICE ST PETERSBURG FL

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E.O. 11652: N/A

TAGS: PLOS, PBOR, BF, US

SUBJ: BAHAMAS FISHERIES ZONE BILL

REF: A. NASSAU 0545; B. NASSAU 0552; C. NASSAU 0539

1. EMBASSY HAS OBTAINED A COPY OF GCOB FISHERIES RESOURCE ACT WHICH WILL BE PRESENTED TO HOUSE OF ASSEMBLY MAY 11 (REFS A AND B) AND WILL POUCH SAME TO DEPARTMENT APRIL 26. IT CONCERNS ONLY FISH RESOURCES, PROVIDES FOR A SPORT FISHING EXCEPTION (SECTION 7), DEFINES THE OUTER BOUNDARY OF THE FISHERY ZONE AS "TWO HUNDRED MILES FROM THE BASELINE FROM WHICH THE TERRITORIAL SEA IS MEASURED" (SECTION 5), AUTHORIZES THE GOVERNOR GENERAL TO INITIATE AND CONDUCT NEGOTIATIONS CONCERNING OVERLAPPING BOUNDARIES AND, IN THE ABSENCE OF A NEGOTIATED AGREEMENT, PROVIDES FOR EQUIDISTANCE EVERYWHERE "WHERE THERE IS A CONTINUOUS CONTINENTAL SHELF BETWEEN THE BAHAMAS AND THE NEIGHBORING STATE, (SECTION 11). ACCORDING TO THE LATTER SECTION, NEGOTIATIONS ARE AUTHORIZED IN CASES

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WHERE THE BAHAMAS ZONE MEETS THE LIMITS OF A NEIGHBOR'S ZONE "TO THE EXTENT ONLY TO WHICH SUCH LIMITS ARE RECOGNIZED BY THE BAHAMAS TO BE VALIDLY ESTABLISHED PURSUANT TO INTERNATIONAL LAW." THIS PROVISIO COULD BE SIGNIFICANT IN VIEW OF FACT THAT GCOB HAS RESERVED ITS POSITION REGARDING OUR ZONE (REF C). IT IS ALSO WORTH NOTING THAT SECTION 11 ASSERTS THAT THE BAHAMAS "HAS LONG EXERCISED SOVEREIGNTY

OVER... THE GREAT AND LITTLE BAHAMAS BANK."

2. THERE FOLLOWS THE FULL TEXT OF SECTION 11:

"11.-(1) SUBJECT TO SUBSECTION (3), WHERE THE EXCLUSIVE FISHERY ZONE OF THE BAHAMAS MEETS THE LIMITS OF THE TERRITORIAL SEA, CONTINENTAL SHELF OR EXCLUSIVE FISHERY ZONE OF A NEIGHBOURING STATE, TO THE EXTENT ONLY TO WHICH SUCH LIMITS ARE RECOGNIZED BY THE BAHAMAS TO BE VALIDLY ESTABLISHED PURSUANT TO INTERNATIONAL LAW, THE GOVERNOR-GENERAL MAY INITIATE AND CONDUCT NEGOTIATIONS WITH THAT STATE TO ESTABLISH THE BOUNDARY OF THE EXCLUSIVE FISHERY ZONE IN RELATION TO THE TERRITORIAL SEA, CONTINENTAL SHELF OR EXCLUSIVE FISHERY ZONE OF THAT STATE.

(2) IN THE ABSENCE OF AGREEMENT ON THE BOUNDARY OF THE EXCLUSIVE FISHERY ZONE WITH THE TERRITORIAL SEA, CONTINENTAL SHELF OR EXCLUSIVE FISHERY ZONE OF A NEIGHBOURING STATE, THE FOLLOWING SHALL BE THE LIMITS OF THE EXCLUSIVE FISHERY ZONE -

(A) IN THE CASE OF THE FISHERY RESOURCES OF THE WATERS OF THE EXCLUSIVE FISHERY ZONE, A LINE EVERY POINT OF WHICH IS TWELVE MILES DISTANT FROM THE BASELINE FROM WHICH THE TERRITORIAL SEA OF THAT STATE IS DRAWN;

(B) IN THE CASE OF THE FISHERY RESOURCES OF THE SEABED AND SUBSOIL -

(I) WHERE THERE IS A CONTINUOUS CONTINENTAL SHELF BETWEEN LIMITED OFFICIAL USE

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THE BAHAMAS AND THE NEIGHBOURING STATE, A LINE EVERY POINT OF WHICH IS EQUIDISTANT FROM THE EDGE OF THE GREAT AND LITTLE BAHAMA BANKS AND THE BASELINES FROM WHICH THE TERRITORIAL SEA LIMITS OF THAT STATE ARE DRAWN, AND, IN AREAS OTHER THAN THE GREAT AND LITTLE BAHAMA BANKS, A LINE EVERY POINT OF WHICH IS EQUIDISTANT FROM THE BASELINES RESPECTIVELY FROM WHICH THE TERRITORIAL SEA LIMITS OF THE BAHAMAS AND THAT STATE ARE DRAWN;

(II) WHERE THERE IS NOT A CONTINUOUS CONTINENTAL SHELF BETWEEN THE BAHAMAS AND THE NEIGHBOURING STATE, THE LIMITS OF THE CONTINENTAL SHELF OF THAT STATE SHALL BE AS DETERMINED BY INTERNATIONAL LAW:

PROVIDED, HOWEVER, THAT IN CONTEMPLATION OF SUCH AGREEMENT BEING REACHED THE GOVERNOR-GENERAL MAY BY ORDER FIX ANOTHER LIMIT TEMPORARILY OR BY INTERIM AGREEMENT WITH THE NEIGHBOURING STATE.

(3) THE GOVERNOR-GENERAL IN THE EXERCISE OF HIS POWERS UNDER  
THIS SECTION SHALL TAKE INTO ACCOUNT THAT THE BAHAMAS HAS  
LONG EXERCISED SOVEREIGNTY OVER, AND ENJOYS EXCLUSIVE AUTHORITY  
FOR THE PURPOSES OF EXPLORING AND EXPLOITING, CONSERVING  
AND MANAGING OF, THE GREAT AND LITTLE BAHAMA BANKS."  
OLSON

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## Message Attributes

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**TAGS:** PLOS, PBOR, BF, US  
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